

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1672.01
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: January 4, 2001
DATE OF REPORT: February 7, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: April 2, 2001

COMPLAINT ISSUES:

Whether the Clark-Pleasant Community School Corporation and the Johnson County Special Programs violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to provide accommodations and modifications identified in the IEP.

511 IAC 7-27-7(b) and 511 IAC 7-17-72 with regard to the school's alleged failure to ensure the student's teacher of record monitored the implementation of the student's IEP and ensured that accommodations and modifications were provided as described in the IEP.

The complaint report was originally due on February 2, 2001, however, due to the complaint investigator's unanticipated absence from work, an extension was approved by the state director of special education extending the deadline until February 9, 2001.

FINDINGS OF FACT:

1. The student is sixteen years old, attends the eleventh grade, and has been determined eligible for special education due to a learning disability.
2. The parent asserts that the following accommodations and modifications are required by the student's April 26, 2000, IEP and the September 20, 2000, addendum, but are not being implemented in the student's English class:
 1. Shortened or reduced assignments;
 2. Tests given in a variety of formats;
 3. Scribe provided for tests, quizzes, or essay questions;
 4. Parents alerted if the student enters the D grade range;
 5. Regular communication when assignments are missing; and
 6. Assistance with reading assignments and taking test.
3. The student's IEP dated April 26, 2000, lists the following information under the heading Accommodations/Modifications: "Shortened reduced homework assign or parent writes or tape made by student." After this listing it is indicated that the teacher, parent, and student will be responsible for identifying the need for shortened or reduced assignments. The student's English teacher reports the student has not required reduced or shortened assignments, but has been given extra time to complete the assignments if needed. The

English teacher indicates in her response that the student has not requested use of a tape, but assignments scribed by the parent have been accepted. The parent acknowledges neither she nor the student have requested shortened or reduced assignments.

4. The student's IEP dated April 26, 2000, lists the following information under the heading Accommodation/Modifications: "Test given in a variety of formats." After this listing it is indicated that regular education teachers will determine the need for giving tests in a variety of formats on an as needed basis. The English teacher reports in her written response that the student has received tests in the following formats during his participation in English class.
 1. Short answer;
 2. Matching;
 3. Multiple choice, and
 4. Essay.
5. The student's IEP dated April 26, 2001, lists the following information under the heading Accommodation/Modifications: "Scribe provided for tests and quizzes with essay questions." After this listing it is indicated that the special education teacher or assistant will serve as the scribe. The student's English teacher reports in her written response that both she and the student's teacher of record have offered to scribe for the student; however, the student has declined such services except for one occasion where the teacher of record assisted the student with one assignment.
6. The student's IEP dated April 26, 2001, lists the following information under the heading Accommodations/Modifications: "Parent needs to be alerted when [student's name] enters D Range." It is indicated that this notification applies to all subjects taken by the student. The student's mid-term report for English dated September 18, 2000, lists the student's grade as an F. Although a memorandum to the parent dated September 14, 2000, indicates the student had missing assignments, no documentation was provided to the Division to verify the parent had been notified when the student was entering the D grade range for English class.
7. The IEP addendum dated September 20, 2000, indicates there will be regular communication between the school and parent regarding missing assignments and any other concerns involving the student. The student's English teacher provided the Division with documentation of the following contacts between her and the parent concerning the student's all overall academic progress and missing assignments.
 1. September 7, 2000, printout give to student to take home;
 2. September 14, 2000, e-mail to parent;
 3. September 29, 2000, e-mail to parent;
 4. October 11, 2000, e-mail to parent;
 5. October 12, 2000, e-mail to parent;
 6. October 23, 2000, parent conference, report card given to parent;
 7. November 1, 2000, fax to parent;
 8. November 8, 2000, fax to parent;
 9. November 30, 2000, fax to parent;
 10. December 7, 2000, fax to parent;
 11. December 15, 2000, telephone call to parent;
 12. December 20, 2000, fax to parent;
 13. January 10, 2001, fax to parent; and
 14. January 22, 2001, fax to parent.

8. The IEP addendum dated September 20, 2000, reflects that, when having difficulty, the student is to have assistance with reading for assignments and tests. The English teacher reports in her written response that this component of the IEP addendum has been consistently implemented. She reports most reading assignments are read aloud by volunteers, either for the full class or in small groups. In addition, the student has access to staff for reading assistance in both the resource room and study halls. The English teacher reports that shortly after the IEP addendum was written an e-mail was sent to all staff reminding them of the procedures for assisting students with tests and reading assignments.
9. In an e-mail dated October 31, 2000, to the student's school principal from the student's English teacher, the English teacher writes that she has not received a copy of the student's IEP addendum dated September 20, 2000, from the student's teacher of record. In a memorandum dated January 26, 2001, to the school principal from the student's teacher of record, the teacher of record acknowledges failure to provide the student's English teacher with a copy of the IEP addendum in a timely manner.

CONCLUSIONS:

1. Findings of Fact #3, #4, #5, #7, and #8, reflect the school implemented most of the identified accommodations of the student's IEP as written. However, Finding of Fact #6 indicates the school failed to notify the parent when the student entered the D grade range for English as specified in the IEP dated April 26, 2000. Therefore, a violation of 511 IAC 7-27-7(a) is found.
2. Findings of Fact #6 and #9 indicate the student's teacher of record failed to ensure the student's IEP was implemented as written and failed to make the September 20, 2000, IEP addendum available to the student's English teacher. Therefore, violations of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 are found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Clark-Pleasant Community School Corporation and the Johnson County Special Programs shall:

1. Send a memorandum to all appropriate personnel advising them that the parent must be notified as soon as the student enters the D grade range for any subject area. Submit a copy of the memorandum to the Division no later than March 16, 2001, with a listing of all personnel (name and title) to whom the memorandum was sent.
2. Submit a letter of assurance to the Division no later than March 16, 2001, ensuring that the teacher of record monitors the implementation of the IEP and makes the IEP available to the personnel providing the services. The assurance letter shall be signed by the student's teacher of record and the local director of special education.